

**IN THE CLAIMS**

Please substitute claims 1-205 with the following:

1-145. (Cancelled).

146-170. (Withdrawn).

171. (Currently Amended) A semiconductor light emitting device comprising:

an active layer made of a first nitride III-V compound semiconductor containing In and Ga;

an optical guide layer in contact with the active layer and made of a ~~sixth~~ ~~second~~ nitride III-V compound semiconductor containing Ga;

a cap layer in contact with the ~~intermediate~~ optical guide layer and made of a third nitride III-V compound semiconductor containing Al and Ga; and

a p-type clad layer in contact with the cap layer and made of a ~~seventh~~ ~~fourth~~ nitride III-V compound semiconductor containing Al and Ga and different from the third nitride III-V compound semiconductor.

172. (Original) The semiconductor light emitting device according to claim 171 wherein the cap layer has a band gap larger than that of the p-type clad layer.

173. (Original) The semiconductor light emitting device according to claim 171 wherein the third nitride III-V compound semiconductor composing the cap layer is  $Al_yGa_{1-y}N$  (where  $0 \leq y < 1$ ).

174. (Original) The semiconductor light emitting device according to claim 171 wherein thickness of the cap layer is equal to or more than 2nm.

175. (Original) The semiconductor light emitting device according to claim 171 wherein the optical guide layer is undoped.

176. (Original) The semiconductor light emitting device according to claim 171 wherein thickness of the optical guide layer is equal to or more than 8 nm.

177-205. (Withdrawn).